



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,012	03/16/2004	Ivan To	THOLAM P226US	4415

20210 7590 09/22/2006

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NH 03301

EXAMINER

SHARP, JEFFREY ANDREW

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,012	Applicant(s) TO, IVAN	
	Examiner Jeffrey Sharp	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) 4,6,7,9 and 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,10 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

[1] This action is responsive to Applicant's remarks/amendment filed on 10 July 2006 with regard to the Official Office action mailed on 04 April 2006.

Status of Claims

[2] Claims 1-4 and 6-15 are pending. Claims 5 and 16 are cancelled. Claims 4, 6, 7, 9, and 11-14 are withdrawn.

Response to Arguments/Remarks

[3] Claims 15 and 16 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Logan, Jr. et al. US-4,466,208.

Applicant's arguments/remarks with regard to this rejection have been fully considered, but are moot in view of the following new grounds of rejection necessitated by amendment.

[4] Claims 1-3, 5, 8, and 10 were previously rejected under 35 U.S.C. 103(a) as being obvious over Logan, Jr. et al. US-4,466,208 in view of Anders et al. US-6,005,024.

Applicant's arguments/remarks with regard to this rejection have been fully considered, but are moot in view of the following new grounds of rejection necessitated by amendment.

New Grounds of Rejection

[5] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

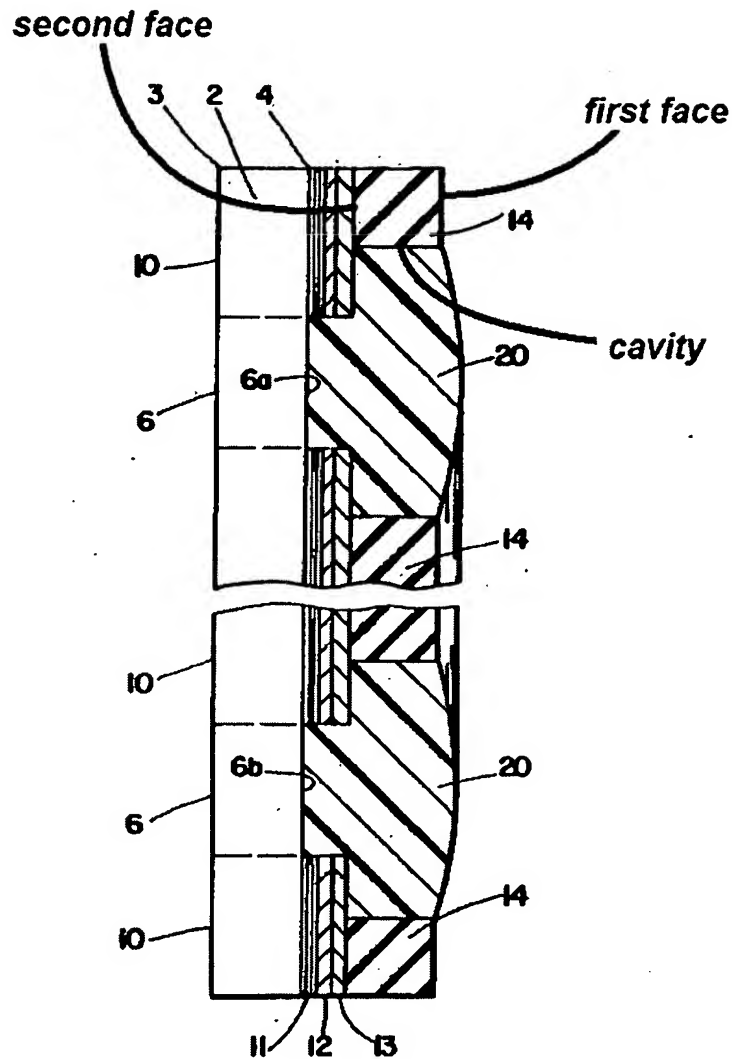
Art Unit: 3677

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[6] Claims 1, 2, 3, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Danjell US-5,232,388.

In short, and in its broadest reasonable interpretation, Danjell teaches a sign plate body (14) having a first face, second face, a cavity between said first and second face defining alpha-numeric indicia that comprises a message, a transparent window (2) across from the second face and closing said cavity, luminescent epoxy (20) filling said cavity between said first and second faces, and a light source (15,16) such that the luminescent epoxy message is displayed using backlighting.



Danjell US-5,232,388

Claim Rejections - 35 USC § 103

- [7] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

[8] Claims 1, 2, 3, 8, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, Jr. et al. US-4,466,208 in view of Danjell US-5,232,388.

In short, and in its broadest reasonable interpretation, the Logan, Jr. et al. reference teaches: an exit sign (10) comprising a sign plate body (11) having a first (front, 12) and second (back, not labeled) face, the body defining a cavity (13) between said first (front, 12) and second (back, not labeled) face -- said cavity defining alpha-numeric indicia preferably being the word "EXIT", a transparent window (20) located across from the second (back) face of the body (11) so as to close said cavity (13) and to allow light to pass through the cavity (13), and a light source (18, 22) so as to pass light through said cavity (13) defining the message "EXIT".

However, Logan, Jr. et al. is silent as to employing luminescent epoxy filling the at least one cavity (13), such that in the event of power failure, the exit sign will remain illuminated.

Danjell suggests filling a cavity (not labeled) between first and second faces of a sign body (14), said cavity defining an alpha-numeric message with luminescent epoxy (20) therein...said luminescent epoxy being backlit. Danjell employs such luminescent epoxy for the purposes of aesthetic appeal,

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art, to modify the sign taught by Logan, Jr. et al., to employ luminescent epoxy in the indicia forming cavities (13) with luminescent epoxy, in order to attract the attention of people.

It is not required that the prior art disclose or suggest the properties newly-discovered by an applicant in order for there to be a prima facie case of obviousness. *See In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897, 1905 (Fed. Cir. 1990). Moreover, as long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does

Art Unit: 3677

not require that the references be combined for the reasons contemplated by the inventor. *See In re Beattie*, 974 F.2d 1309, 24 USPQ2d 1040 (Fed. Cir. 1992); *In re Kronig*, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976) and *In re Wilder*, 429 F.2d 447, 166 USPQ 545 (CCPA 1970).

[9] Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danjell US-5,232,388 in view of Burbank US-6,364,498.

In short, Danjell possesses each limitation found in claim 15 as discussed above, and implies that different messages can be utilized. However, Danjell fails to disclose, expressly, the message to read "EXIT".

Burbank suggests a luminescent sign comprising the indicia "EXIT", said sign also utilizing a transparent panel (120), luminescent epoxy (120), and a light source (Figure 4).

Therefore, at the time of invention, it would have been obvious to modify Danjell's sign to comprise indicia reading the message "EXIT", in order to advantageously utilize the luminescent sign in stairwell, or hallway evacuation environments.

Conclusion

[10] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3677

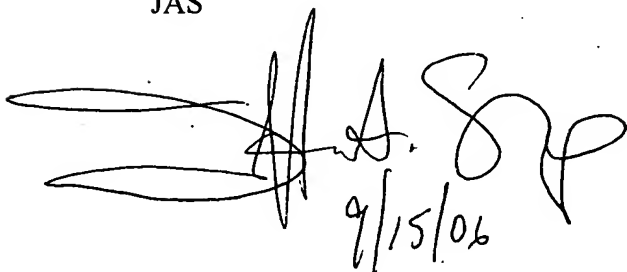
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

[11] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



9/15/06

Katherine Mitchell
Primary Examiner

